IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8484 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

KADU BHURA GARASHIYA

Versus

STATE OF GUJARAT

Appearance:

MR UM SHASTRI for Petitioner

NOTICE SERVED for Respondent No. 1

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 12/09/2000

ORAL JUDGEMENT

Rule. Mr.B. Y. Mankad, learned AGP waives service of rule for the respondents.

2. Here the petitioner claims to have been in

possession of lands since 1958-59. The petitioner relies upon several orders passed in similar matters by other learned Single Judges, copies of which have been produced collectively (at Annexure-A to the petition). The learned AGP has no objection if the directions as given in the order dated 05/08/1999 passed by Hon'ble Mr.Justice Y.B.Bhatt in Special Civil Application No.894 of 1999 are also given in the present petition. Hence, the following directions are issued :-

The petitioner will make a representation/application to the concerned Collector for the purpose of granting benefit in accordance with the policy of the State Government. As and when such representation/application is made, the same shall be decided in accordance with law after hearing the petitioner. The petitioner will make necessary representation/application as aforesaid within four weeks from today, and the concerned authority will consider and decide the same as aforesaid within a period of two months from the date of receipt of such representation/application. Until such decision is taken and communicated to the petitioner, statues quo with regard to possession will be maintained.

3. Subject to the aforesaid observations and directions, this petition is disposed of. Rule is made absolute to the aforesaid extent. There shall be no order as to costs.

(M. S. Shah,J.)

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